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## Weber County Sheriff's Office

Incident Report 16WC34013

Nature: ASSIST OJ

Location: JA

Address: 800 W State ST, Farmington, Ut  
FARMINGTON UT 84025

Offense Codes: 9605

Received By: Anderson,W WD How Received: O

Agency: WC

Responding Officers: Lemberes,J WC, Sever,G WC

Responsible Officer: Lemberes,J WC Disposition: OPN 12/29/16

When Reported: 23:53:50 12/21/16 Occurred Between: 23:53:50 12/21/16 and 23:53:50 12/21/16

Assigned To:

Detail:

Date Assigned: \*\*/\*\*/\*\*

Status:

Status Date: \*\*/\*\*/\*\*

Due Date: \*\*/\*\*/\*\*

Complainant:

Last:

First:

Mid:

DOB: \*\*/\*\*/\*\*

Dr Lic:

Address:

Race:

Sex:

Home:

City: ,

Work:

Cell:

### Offense Codes

Reported:

Observed:

Additional Offense: 9605 JAIL - INCIDENT

Responding Officers:

Unit :

Lemberes,J WC

1fs27

Sever,G WC

1fj361

Responsible Officer: Lemberes,J WC

Agency: WC

Received By: Anderson,W WD

Last Radio Log: 03:23:03 12/22/16 CMPLT

How Received: O Oficer Initiated

Clearance: NR NO REPORT

When Reported: 23:53:50 12/21/16

Disposition: OPN Date: 12/29/16

Judicial Status:

Occurred between: 23:53:50 12/21/16

Misc Entry: jl

and: 23:53:50 12/21/16

Modus Operandi:

Description :

Method :

**Involvements**

Date	Type	Description	Relationship
01/10/17	Name	MCCUBBIN, DANA LYNN	WITNESS
01/10/17	Name	LANGSTON, SONYA ELSIE	WITNESS
01/10/17	Name	CASTILLO, GENNA MARIE	WITNESS
01/10/17	Name	MILLER, HEATHER ASHTON	SUBJECT
01/10/17	Name	ACKERMAN, SHERRY LEE	WITNESS
01/10/17	Name	MONToya, JESSICA ANN	WITNESS
01/10/17	Name	SLATER, KIMBERLY ANN	WITNESS
01/10/17	Name	TEJERO, ADELINA CHANTE	WITNESS
01/10/17	Name	WEBB, CASSIE MARIE	WITNESS

### Narrative

Weber County Case #: 16WC34013

Davis County Case #: D16-11606

Medical Examiner Case #: 201662989

Inmate Involved: Heather Ashton Miller (D.O.B. 04/04/1988)

Synopsis: Davis County Sheriff's Office Sergeant R. Wall called me via telephone on 12-21-2016 at 2313 hours requesting Weber County Jail Investigators to respond for an in-custody death.

Facts of the Case: On 12-21-2016 at 2313 hours I was at home when I received a call from Sergeant R. Wall at the Davis County Sheriff's Office. Sergeant Wall informed me that they had an in-custody death and that she was given my number to call. I gave Sergeant Wall Sergeant Jeff Lemberes' mobile number, who is my supervisor, and asked Sgt. Wall to give him a phone call.

Sergeant Lemberes called me back at 2318 hours and informed me that we would be responding to the Davis County Sheriff's Office to investigate the in-custody death. During the phone call it was decided to meet up at the Weber County Sheriff's Office.

At 2347 hours Sergeant Lemberes and I left the Sheriff's Office and arrived at Davis County Sheriff's Office at 0020 hours. Sergeant Lemberes and I then met with Sergeant Wall.

Davis County Jail: Sergeant Lemberes and I were met in the booking area where we were escorted down to an office to where Sergeant Wall was working on a computer station. This is where we were briefed on the situation. Sergeant Lemberes and I were informed that inmate Heather Ashton MILLER had passed away up at the hospital however, was having medical issues while in her cell L-7. We were also informed that inmate MILLER was booked into the Davis County Jail on December 20th, 2016 at 0419 hours on two counts of Possession of a Controlled Substance and one count of Possession of Drug Paraphernalia and was with her boyfriend at the time, inmate Jason JOHNSON (D.O.B. ).

I asked Sergeant Wall if she would print out all of inmate MILLER's interactions with the jail on Davis County's offender management system. Sergeant Wall was able to get me inmate MILLER's printout of all her dealings in the jail including the Probable Cause Affidavit from the arresting agency. We also received a Voluntary Statement form that was filled out by inmate MILLER's cellmate at the time of her fall, inmate Sherry Ackerman. Near the top of the Voluntary Statement form it reads:

You are notified that statements made in this Voluntary Statement may be presented to a magistrate or a judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true, may subject you to criminal punishment as a class A misdemeanor. I certify by my signature below that I have read this admonition and that the facts contained in this written statement are true and correct.

Inmate Sherry Ackerman filled out the statement and it reads as follows:  
6:00 pm (Head Count) Miller climbing down for head count stretching leg for her foot to reach table stool, back was facing Wall as sliding down. Her foot slipped, My Coffee I had Just Made Was Sitting on table at the time of fall.

When Miller had fallen Her head or side had hit the Middle of the Cement of floor. She tried to get up and Ran into table Spilling My Coffee. She

(Miller) Could Not Still Keep her balance and went backwards on her back with Coffee on her When Reaching for table. I Sherry tried to help Banged on glass for Officer No then Called For Medics and was here Prompt.

When (Miller) had fallen It Was her Head or Side that Made a Thump. Inmate Ackerman signed the voluntary statement form and dated it for 10-18-2016.

While gathering some of this initial information on the incident, Detective Lopez the DCSO Jail Investigator joined us in the office with Sergeant Wall.

I spoke with Detective Lopez and asked him to retrieve 12 hours of video surveillance of inmate MILLER as well as any phone calls or video visits she may have had. I also asked him for video surveillance of inmate MILLER being assessed in the medical area. Sergeant Lemberes also asked that Detective Lopez notifies the next of kin.

I also spoke with Nurse Layton R/N and asked him to retrieve every piece of information on inmate MILLER as far as medical reports go. After Layton had brought me the paperwork on MILLER's current booking I asked for her whole medical history with the jail. Nurse Layton informed me that inmate MILLER had only been booked in once.

There was no scene to process at the jail due to the fact that inmate MILLER was up at McKay Dee hospital deceased and her cell where she had her medical event had been cleaned by the time Sergeant Lemberes and I had got there. It should also be noted that Sergeant Lemberes had spoken with McKay Dee staff as well as mortuary services to prevent them from picking up the body before we could get photographs taken by Weber CSI for the investigation. Sergeant Lemberes made these arrangements while we were at the Davis County Jail.

After we had received reports on the incident, medical reports and booking information, Sergeant Lemberes and I left the Davis County Sheriff's Office at 0114 hours and started heading towards McKay Dee Hospital to process the body. McKay Dee Hospital: At 0127 hours Sergeant Lemberes used his vehicle radio to asked Weber Dispatch to put a request to Weber Crime Scene Investigations to respond to McKay Dee Hospital for pictures. Sergeant Lemberes and I arrived at McKay Dee hospital at 0135 hours where we were escorted to Exam Room 1 in the Emergency Room section of the hospital.

Upon our initial entry into Exam Room 1 I could see inmate MILLER lying flat on her back in the hospital bed. She was completely covered, including her head, by a blanket from the hospital. There were multiple pieces of used medical equipment and wrappers all over the floor around her bed. No medical staff was present when we entered the room. There was also a bag of inmate MILLER's property in a bag with a receipt from the Davis County Sheriff's Office as well as a promise to appear for her current charges dated 12/21/2016 2056 hours.

Weber CSI Paul Rimmasch arrived at Exam Room 1 at 0200 hours. Once CSI Rammasch was ready, we removed the blanket covering inmate MILLER's body. Her face was pale colored, her eyes and mouth were slightly open and she was completely nude. There were multiple injection sites on both arms where medical staff had tried to find a vein. She also had a small laceration on the bottom part of her chin that was approximately 1 inch long.

Weber CSI Rimmasch took multiple pictures of the whole body. While examining the body I did not see any other injuries that I would recognize other than the injection sites on both of her arms and the small laceration on her chin. CSI Rimmasch finished taking the photographs that he needed and left the exam room

at 0213 hours.

As Sergeant Lemberes, CSI Rimmasch and I were examining the body, Sergeant Lemberes made contact with mortuary services to let them know that we were finishing up our assignment and that they could start heading to the hospital from Sandy City to pick up inmate MILLER.

At 0259 hours, two male employees from mortuary services arrived at Exam Room 1 with a gurney and a blue body bag. The two males gathered the body and sealed the bag with zip tie tag number: 003683BOME. Once the bag was sealed, I gathered the plastic bag containing inmate MILLER's property then Sergeant Lemberes and I left McKay Dee Hospital at 0303 hours en route back to the Weber County Sheriff's Office.

Inmate Miller's Property: Sergeant Lemberes and I arrived at the Weber County Sheriff's Office at 0312 hours. I took the plastic bag of inmate MILLER's property and booked it into the evidence locker #10 at 0317 hours. I described the item being booked in as a "bag of misc. property" since there was an itemized property sheet from the Davis County Sheriff's Office inside the bag facing out.

Autopsy: The same morning (December 22, 2016) at approximately 0630 hours I made a phone call to the Utah State Medical Examiner's Office to find out about scheduling the autopsy with them. At the time the Medical Examiner staff member requested that I called back later. After calling them again I was able to get a solidified time as to when to arrive.

I called Sergeant Lemberes and informed him that we would need to leave as soon as we could. We decided to meet at the Harmon's Grocery Store parking lot in Roy City and not drive separately. At 0920 hours we left the parking lot and arrived at the Utah State Medical Examiner's Office in Salt Lake City at 0958 hours.

We signed into the log provided by the Examiner's Office and entered the room where the autopsy would be performed. Inmate MILLER was ready on the table as we entered the room. The autopsy was performed by Dr. Erik Christensen. Early into the autopsy my attention was directed to the left side of MILLER's body by the staff. Dr. Christensen explained that inmate MILLER's spleen was fragmented and that it was significant to the almost one and a half liters of blood found inside of her abdomen.

The Utah State Medical Examiner's staff took photographs of the spleen where it was discovered in the body and also photographs of it placed onto the table. Dr. Christensen stated that he was going to certify MILLER that day and that the damaged spleen as a cause of death.

Once the autopsy was completed we were able to retrieve the photographs from the Examiner's Office with a receipt stating so. Sergeant Lemberes and I then left the Utah State Medical Examiner's Office at 1125 hours and returned to the Weber County Sheriff's Office to resume our normal duties.

Review of Surveillance: Detective Lopez (DCSO) called and then met with me at the Weber County Sheriff's Office on December 27th, 2016. Detective Lopez was able to give me the surveillance that I had requested the night of the call out.

In particular I asked for 12 hours surveillance of the housing unit where inmate MILLER had her medical event. After reviewing it was discovered it was only a couple of hours. After this information was passed on to Detective Lopez, he was able to get me the 12 hours of video the next day December 28th,

2016.

Detective Lopez was able to retrieve housing surveillance, intake surveillance, the medical event in medical, as well as inmate Jason JOHNSON's phone calls, who was the boyfriend that was arrested with inmate MILLER on December 20th, 2016.

Review of "Pod 4" Surveillance: I received two different videos from Detective Lopez. The first video is of the Kilo Unit where Inmate MILLER was housed (K-12) when her cellmate Sherry Ackerman stated she fell off the top bunk. The second video is of the Lima Unit (7) where inmate MILLER was moved to after the medical event in the Kilo Unit.

The video of the Kilo Unit starts at 0425 hours on December 21st, 2016. While reviewing this video there was nothing of note pertaining to this case. From what I could tell from working in a jail for 15 years myself, normal jail operations were conducted in that section. There was no interaction between inmate MILLER and fellow inmates that would suggest she was having any issues with anyone else in that section.

At 1756 hours you see a sworn deputy stopping at cell K-12 where inmate MILLER is secured for head count. Another sworn deputy enters the section and joins the first at cell K-12. The door is opened and inmate Sherry Ackerman leaves the cell. As the door is open you can also see that inmate MILLER is on the floor. At 1758 hours a medical staff member enters the section and then proceeds to cell K-12 to assess inmate MILLER since the cellmate had informed the first deputy that inmate MILLER had fallen.

At 1803 hours all staff members involved have left the section and left the cell K-12 door opened. A different inmate from another cell comes out into the dayroom and then retrieves cleaning supplies when the medical staff member and a sworn deputy return. The sworn deputy retrieves inmate MILLER's mattress and places them in the dayroom.

At 1813 hours inmate MILLER is assisted out of the cell across the top tier. The medical staff member and deputy assisted inmate MILLER as she walked. The deputy stops at the top of the stairs with inmate MILLER. The medical staff member retrieves a wheelchair and places it at the bottom of the stairs as inmate MILLER slides her body onto each step until she reaches the bottom. Inmate MILLER then stands up and sits into the wheelchair. Inmate MILLER is then escorted out of the Kilo Unit with the deputy and medical staff member.

The video of the Lima Unit starts at 1730 hours and ends at 2036 hours. The L-7 cell is the second from the right cell on the bottom tier. There are 16 two-man cells in this section. At 1816 hours inmate MILLER can be seen being brought into the section on a wheelchair. One medical staff member and one deputy is witnessed escorting inmate MILLER into cell L-7. Once inmate MILLER is on a bottom bunk in the cell the two staff members leave. At 1819 hours inmate MILLER cannot be seen lying on the bed.

Not a minute later two sworn staff members are seen opening MILLER's cell once again. As the door is opened it looks as though inmate MILLER is lying on the floor of the cell on the left side of the cell. The cell door is shut and the two staff members exit the section.

At 1830 hours a walkthrough is conducted by a deputy. The deputy does a visual check of inmate MILLER as he walks by cell L-7.

At 1901 hours four different inmates in the dayroom one by one walk up to cell

L-7 and look at inmate MILLER. They stop looking at her at 1903 hours except for one more inmate who looks in at 1904 hours. A fifth inmate comes out of the cell to the right of cell L-7 and peers into the cell through the window.

At 1912 hours you can see through the window of the cell that inmate MILLER sits up however if out of the screen shot immediately. The next walkthrough is conducted at 1930 hours. The deputy does a visual check of inmate MILLER as he walks by cell L-7.

The next walkthrough is conduct at 2018 hours. The deputy does a visual check into cell L-7. As he walks by the deputy stops just past the cell and then returns to the window. He can be seen using his hand held radio. He finishes the walkthrough and returns with another deputy at 2025 hours. The second deputy is seen using his hand held radio and at 2027 hours a third deputy is seen entering the section and walks up to the cell as the two initial deputies stay in the dayroom.

As the third deputy is at the cell door you can see movement from inside the cell once more however it is quick and too hard to tell what exactly was happening. The cell door is opening and it is apparent that inmate MILLER is on the floor partially nude. The second deputy starts to close the cell door to give privacy to the inmate.

The female deputy then exits the cell a short time after. At 2030 hours you can see inmate MILLER trying to get her feet up onto the stool inside of the cell. A fourth deputy responds and then leaves with two others. The deputies respond back to the unit with a wheelchair and the cell door is reopened at 2032 hours. One female deputy is in the cell trying to cover up inmate MILLER so that the male deputies can enter. The other female is seen removing inmate MILLER's jail issued property by shoving them out the door with her foot.

Once inmate MILLER is covered the male deputies enter the cell and assist the female deputies as inmate MILLER is hoisted onto the wheelchair. At 2034 hours inmate MILLER is wheeled out of the section accompanied by the four deputies. The cell door is secured before the last deputy exits the section and the tape ends at 2036 hours.

I asked the Davis County Sheriff's Office Detective Lopez to retrieve video surveillance of the cell (L-7) being cleaned on two different occasions however I was not provided with that particular piece of video.

Review of "Legacy" Surveillance: "Legacy" is a long stretch of hallway inside of the jail. It is a hallway that separates the section where inmate MILLER was housed and is needed to be walked through to get to the medical unit. The video is dated for December 21st, 2016 beginning at 2042 hours and ends at 2044 hours.

The video shows Sgt. Wall going through the slider door followed by three different deputies pushing a wheel chair with inmate MILLER on it through the same slider door and then two other Davis County staff members following them. The tape then ends.

Review of "Medical" Surveillance: "Medical" is the medical area of the jail in between the "Legacy" hallway and "Intake." Inmate MILLER was brought to this area after being removed from the housing unit through the "Legacy" hallway.

This particular surveillance video is dated for December 21st, 2016 and begins at 2037 hours. Inmate MILLER is seen being brought into the camera's view at

2039 hours. There are six sworn staff present and one medical personnel. At 2040 hours Inmate MILLER slumps out of the wheelchair and lies down on the floor. Inmate MILLER is visibly trying to lie on her left side while being on the floor. Inmate MILLER is witnessed actively resisting the deputies while medical staff tries to get a stats reading from her.

Farmington EMS is then witnessed entering the medical area at 2049 hours. At 2051 hours inmate MILLER is hoisted onto the gurney and EMS leaves the medical area at 2058 hours. The tape ends at 2102 hours.

Review of "Intake" Surveillance: "Intake" is the booking area of the jail. "Intake," or the booking area of the jail, would be where EMS services would pass through once they got there. The video is dated for the December 21st, 2016 and begins at 2044 hours. Review of the video shows that Farmington City Emergency Medical Service (Case #D16-11603) arriving in the sally port at 2046 hours.

Multiple EMS personnel are escorted to the medical unit where inmate MILLER currently was. Inmate MILLER is then seen on a gurney with her property bag that was up at the hospital with her. EMS personnel load her onto the ambulance and at 2103 hours EMS services leaves the sally port.

Review of Inmate Johnson's phone calls: According to a phone report given to me by Detective Lopez inmate Jason JOHNSON (Miller's boyfriend) made a phone call on 12/22/2016 to phone number [REDACTED] This particular phone number is listed as inmate MILLER's emergency contact as well as inmate JOHNSON's. Inmate JOHNSON has the number listed with the name Laviana Johnson and also identified as his sister.

During this particular phone call inmate JOHNSON is speaking with a female trying to make arrangements to getting bailed out of jail on his charges. JOHNSON asks the female if "Heather" had called yet referring to inmate MILLER. The female responded with, "no." Inmate JOHNSON then requests that the female say sorry to everyone and to wish them a Merry Christmas. Inmate JOHNSON continues with speaking with the female about his phone account and then speaks to a juvenile female over the phone and wishes her a Merry Christmas as well.

The phone call continues where inmate JOHNSON asked the female to bail "Heather" out first. The female then informs inmate JOHNSON that inmate MILLER had "passed" the night before. The female continued and informed inmate JOHNSON that hospital staff informed her that she had fallen and was in critical then informed her later that inmate MILLER had "passed."

The female also informed JOHNSON that she tried to get a hold of inmate MILLER's family per the hospital's request and asked inmate JOHNSON what inmate MILLER's family's names were. Inmate JOHNSON stated that he did not know her father's name or her brother's.

Inmate JOHNSON, clearly upset, started to blame no one in particular but for the reason that she was, "fuckin' with a nigga." He continued by saying, "they killed my bitch because she was fuckin' with a black dude." He can be heard telling another inmate this. He continued blaming the situation based on inmate MILLER "taking the charges" while being with an African-American man.

Conclusion: On 12/20/2016 Inmate Heather Ashton MILLER was booked into the Davis County Sheriff's Office at 0419 hours. No medical concerns were expressed by inmate MILLER during the booking process that would indicate an emergency medical response was needed.

On 12/21/2016 Inmate MILLER was housed in cell K-12 and then to L-7 after her initial medical event. According to a voluntary statement form by MILLER's cellmate Sherry Ackerman, inmate MILLER fell while getting off the top bunk for "stand up count" at 1800 hours landing on either her side or head. Multiple Davis County Sheriff's deputies also report that inmate MILLER did fall off her bunk and medical staff did respond to assess inmate MILLER.

Medical Staff reports that MILLER did not have any bruising, redness or scrapes that were noticeable after falling off the top bunk onto her left side. Medical staff administers 600 mg of Ibuprofen and informs her to contact staff if her breathing or pain changes.

Approximately 2039 hours inmate MILLER is brought to the medical office because she was discovered in her cell thrashing around on the floor with blood on her chin and claiming pain. Inmate MILLER is escorted to the Medical Office and Farmington EMS is activated. A Promise to Appear is issued to inmate MILLER and she is taken to McKay Dee Hospital by EMS leaving the Davis County Sheriff's Office at 2103 hours.

Inmate MILLER is declared deceased by McKay Dee Hospital Staff at 2206 hours in Exam Room 1. An autopsy is performed the next day by Dr. Erik Christensen at the Utah State Medical Examiner's Office where he stated that inmate MILLER would be certified that day for primary cause of death being a fragmented spleen pre Medical Examiner's Official Report. A business card was left at the Medical Examiner's Office for the purpose of receiving the Official Report on the cause of death of inmate MILLER.

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Responsible LEO:

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Approved by:

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Date

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**Supplement - Stokes-Per,W WD**

CAD Call info/comments

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23:54:17 12/21/2016 - Anderson,W WD  
enr davis to investigate death in custody

**Supplement - Lemberes,J WC**

Weber County Case # 16WC34013

Davis County Case # D16-11606

Medical Examiner Case # 201662989

Body bag number# 003683BOMF

Deceased: Heather Ashton Miller (D.O.B 04/04/1988)

**Synopsis:**

Davis county Sheriff's Office Sergeant Wall called Detective Sever on 12-21-2016 at 2313 hours requesting the Jail investigators to respond to an in custody death at their facility. Detective Sever notified Sergeant Wall that she would need to call the appropriate chain of command and gave Sergeant Wall my number. At 2315 hrs. Sergeant Wall called me and told me her chief told her to call me and get me down her A.S.A.P. I informed Wall that I will follow my chain of command and see if the sheriff wants us to respond. At 2316 I spoke with Sheriff Thompson who had to think about it for a bit then said if I was willing to go then go ahead. Detective Sever and I responded.

**Narrative:**

At 2318 hours I called Detective Sever and informed him that we were going to investigate the death at Davis County, and let him know I would pick him up at our sheriff's Office. I picked Detective Sever up at 2347 hrs. We headed for Davis County arriving at 0020 Hours. We parked in the sally port and went in through booking and had a deputy escort us all the way down the Legacy hallway which is very long to get to Sergeant Wall's office.

**Meeting with Sergeant Wall and Detective Lopez (Davis's jail investigator):**

Sergeant Wall was working on her computer. I told them we were there to investigate the in custody Death.

Sergeant Wall then said "she didn't die here she died at the hospital this should be an attended death".( I believe this was meant to be in a joking manner) I reminded Sergeant Wall that the events leading to her death started here and ultimately lies here. I then told Sergeant Wall I wanted to go to her cell

and get processing it so we can get to the hospital and do our thing there.

Sergeant wall told me with a surprised face "The cleanup beat us there the cell has been clean and is being used" I told Sergeant Wall to please tell me she is kidding? She was not.

I then asked where the inmate went after they took her out of her cell. Sergeant wall said they took her to medical. I said great lets go to medical and process that. She again said that's all clean we just need you guy's to get whatever paper work you need for your case.

I mentioned to Sergeant Wall that the cell was a crime scene and so was anyplace else they took her.

Sergeant wall informed me that the inmate was breathing when she left. Davis Detective Lopez told me they immediately discharged heather from jail and put all of her belongings in the ambulance with medical.

I was obviously upset at the fact of both crime scenes being cleaned and never having a log or treating this like an in custody death. it is a good practice to treat every medical like this one as an in custody until told otherwise. it's easy to just throw it all away and call it good but you can never re-do a crime scene once it's been tampered with.

I then asked Sergeant Wall to tell me exactly what she remembers since we have no scene to look at.

Davis County Jail and time line of events per Sergeant Wall:

Sergeant Wall informed us that inmate Heather Ashton Miller had passed away at the hospital, however was having medical issues while in her cell L-7

We were also informed that inmate Miller was booked into the Davis County Jail on December 20th 2016 at 0419 hours on two counts of Possession of a controlled Substance and one count of Possession of Drug Paraphernalia and was with her boyfriend at the time, Inmate Jason Johnson.

Detective Sever asked Sergeant Wall if she would print out all of inmate Miller's interactions with the jail on Davis County's offender management system. Sergeant Wall was able to get Detective Sever, Miller's printout of all her dealing in the jail including the probable cause Affidavit from the arresting agency. We also received a statement form that was filled out by the inmate that was sharing the cell with Miller at the time she fell. The inmates name is Sherry Ackerman. Please refer to Sherry's statement attached to this report.

While gathering some of this initial information the Davis County Jail Detective

Lopez came and sat across from me at the table. Detective Sever told Lopez that we needed 12 hours of video surveillance of inmate Miller as well as any phone calls or video visits she may have had. Detective Sever also asked for all video of Miller in the medical area. I then informed Detective Lopez that he was to do the death notification the second we leave and that is his priority. This was not done as I received a phone call from LT. Hammond on the 28th who informed me that he just received an irate phone call from a family member of the deceased wanting to

know why she had not been notified of the death of her daughter. I informed LT. Hammond that I had instructed Detective Lopez to handle this.

I had Detective Sever call Lopez and find out what happened? He informed Detective Sever that he called the mom and nobody answered so he left a message to call him back that was his last attempt at notification. Lopez was reminded that death notifications are preferably done in person the night we were there. At this point we gathered all the paperwork we could to include speaking with Nurse Layton R/N and had him print everything he had on inmate miller which he did.

While still at the Davis County Sheriff's Office I called Mortuary services and told them do not pick up the body form the hospital we would be leaving soon to go up there and inspect the body and hopefully find any evidence for this case. They said no problem and to call when we were ready. The medical Examiner did not respond due to the inmate already being in the hospital. I then called C.S.I and told them to meet us at McKay for pictures. Detective Sever and I left the Davis County Sheriff's Office at 0114 hours and started towards McKay Dee hospital to examine the body.

Arrival at McKay Dee Hospital 0135 hours Detective Sever and I were escorted to Exam room number one in the Emergency Room Section of the hospital. Upon our initial walk into the exam room I noticed the deceased lying on her back with a sheet and blanket covering the whole body, there were medical syringe wrappers all over the floor next to the body. It was apparent that the emergency room staff had worked on the inmate for some time before pronouncing

her dead.

At this time CSI Rammasch had joined us and we removed all the blankets that were covering the Deceased, the Deceased was completely nude and I noticed numerous spots on her arm that were fresh from medical trying to get a line into her arm. The Deceased Miller's face was pale in color along with her eyes and mouth being barely open. CSI took numerous pictures of the room along with pictures of Millers body. I had CSI take a measurement of a gash on Millers chin that appeared to be fairly deep and of some significance. We were unable to find any signs of trauma other than her chin which we assumed happened when she fell again later. At 0303 hours Detective Sever took the plastic bag of all of Millers belongings that Davis County had left with medical and we booked it into locker 10 at the Weber County Sheriff's Office.

Autopsy: about five hours later the same morning December 22, 2016 I had Detective Sever meet me at the Harmons parking lot at 0920 hours so we could go to the Autopsy.

We arrived at the Utah State Medical Examiner's Office and entered the where the autopsy would be performed. Inmate Miller was already on the table.

The Autopsy was performed by Dr. Christensen. Early into the Autopsy Dr. Christensen

explained to us that her spleen was fragmented and that it was significant, to the one and a half liters of blood found inside of her abdomen.

The Medical Examiner took numerous pictures of the spleen where it was discovered in the body and also once it was placed on the table. Dr. Christensen stated that he was going to certify Miller's cause of death as blunt trauma to the spleen. ( this is all preliminary until we get the autopsy report.

Once the autopsy was completed we were able to retrieve a copy of the pictures from the Medical Examiner's Office. We left the Medical Examiner's office at 1125 hours

The following is reviewing all of the video we able to obtain from the Sheriff's office (Davis county) and was reviewed by Detective Sever and myself. Refer to Sever's report of the video as it is very lengthily and would be word for word verbatim if I re-wrote it.

Conclusion:

Inmate Miller was housed in cell K-12 and then to L-7 after her initial medical event.

According to a voluntary statement form by Miller's cellmate Sherry Ackerman, Inmate Miller fell while getting off the top bunk for "stand up count" at 1800 hours landing on either her side or head.

Multiple reports by staff did not list any redness scrapes or bruising. Medical administered 600mg of Ibuprofen and informs her to contact staff if her breathing or pain changes.

Nothing further 1384 Sgt. Lemberes

**Supplement - Lemberes,J WC**

Supplement: Sgt Lemberes

Date:1/4/17

1123 Hours

Officers Involved: Sgt. Lemberes, Detective Sever, Weber County, Detective Lopez, Davis County, getting inmates for us.

Persons and inmates involved:

Sherry Ackerman ( cell mate to deceased and saw her fall)

Sonya elsie Langston D.O.B was in cell (K13)

Jessica Montoya D.O.B was in cell (K11 next door to deceased)

Kimberly slater D.O.B was in cell (K10)

Kenndra Follett D.O.B was in cell (L8)

Genna castillo D.O.B was in cell (L12)

Cassie Webb D.O.B was in cell (L12)

Interview at Davis County Jail with:

Sherry Ackerman (K12) ( cell mate of theDeceased)

I had each inmate tell me in there words what they had heard or seen, Sherry Ackerman was the first to be talked to and was the Deceased Cell Mate and witnessed her fall. Ackerman said the deceased Heather Miller, had been in the cell with her for about two and a half days and just slept didn't eat or drink or anything, Ackerman said after about two and a half days Heather did get up for dinner and took about two bites of her biscuit, then about 5:30 PM went back to her bunk. at 6 PM while getting down from her bunk for head count she slipped. she landed on back of her head, Deputy Lloyd also heard it. he told Ackerman he heard it. Heather tried to pull herself back up by using the stool and slipped again this time hitting the sharp side of the table then went straight to the ground. Heather told Ackerman her left side was hurting.

Ackerman pounded on the door and immediately Deputy Lloyd opens the door, Lloyd called medical which arrived and Heather kept telling medical she was hurting on her left side. Medical had Heather "Scooch" down the stairs on her rear end because she could not stand. Once at the bottom Deputies and medical put Heather into the wheelchair and took her to cell L7 and placed her on the bottom bunk.

Interview with Sonya Elsie Langston D.O.B : Cell K13

Sonya stated she heard a big bang and Ackerman was hitting the door. Sonya said helped clean up spilled coffee from Heathers fall. Sonya said, Heather kept complaining that her side hurt.

Sonya said Heather was helped to the top of the stairs where she then had to sit

on her butt and slide down to the wheelchair at the bottom. Sonya said Heather looked really pale, or jaundice or even gray.

Interview with Jessica Montoya D.O.B

Cell K11 next to Deceased.

Jessica's statement refers to her initial fall in K12 Jessica says she heard a loud bang and assumed that washer falling off the bunk. she could hear Ackerman yelling she just fell off the top bunk. Jessica said she could see medical assist Heather to the stairs where she scooted down them on her bum to an awaiting wheelchair. She was placed in the chair.

Interview with Kimberly Slater D.O.B

was in Cell (K10)

Kimberly didn't really have much to add. she said she heard something loud hit the ground. And then an officer went inside her room.

Interview with Kenndra Follett D.O.B

Cell (L8) next door

After Heather had been moved downstairs to L7 a group of girls were walking the room from their time out. Kenndra Follett was one of them and she told us she heard Heather scream and looked through her window she said Heather was lying on the floor face down. Kenndra said she kicked the door and she didn't answer and was not moving.

Interview with Genna Castillo D.O.B

Cell (L12)

Genna said she walked by and looked in Heather's cell and she was lying on the floor holding her bag lying face down, then at lock down we heard a big slam and a scream or yell. That's all I know.

Interview with Cassie Webb D.O.B

Cell (12)

Cassie told us she heard a loud thud and a scream she said Heather was gray and thinks she was already dead.

**Supplement - Sever,G WC**

Supplement Report: Det. Garn Sever

Date: 01/04/2017

Time: 1123 hours

Officers Involved: Sgt. Jeff Lemberes, Detective Garn Sever, Detective Jaun Lopez (DCSO) retrieving multiple inmates for us.

## Inmates Involved:

Sherry Ackerman D.O.B.	(Witness to victim's fall and cellmate of the deceased)
Sonya Elsie Langston D.O.B.	; (Cell K-13)
Jessica Montoya D.O.B.	(Cell K-11)
Kimberly Slater D.O.B.	(Cell K-10)
Kenndra Follett D.O.B.	(L-8)
Genna Castillo D.O.B.	(L-12)
Cassie Webb D.O.B.	(L-12)
Dana McCubbin-Salazar D.O.B.	(L-14)

Interviews: It was decided to interview inmates in both of the sections that inmate MILLER was before and after her fall. Five of the inmates saw inmate MILLER lying on the floor during their timeout after inmate MILLER was moved from the Kilo Unit to the Lima Unit. The interviews were conducted at the Davis County Sheriff's Office where Detective Juan Lopez assisted Sgt. Lemberes and I by escorting the inmates from the housing section to where the interview room was.

Interview of Inmate Sherry Ackerman: Inmate Sherry ACKERMAN was inmate MILLER'S cellmate in K-12 when MILLER fell off the top bunk for "face count". Sgt. Lemberes had each of the inmates being interviewed what they had heard or seen. Inmate ACKERMAN stated that from the time inmate MILLER was brought in she slept most of the time and eating very little and then going back to sleep in the cell. Inmate ACKERMAN said that inmate MILLER was getting off the top bunk when she fell for "face count", a count ACKERMAN explains as getting up and standing at the door so that the deputy can see them. ACKERMAN stated that inmate MILLER was getting off the bunk by facing away from the bunk while sitting up and then trying to place her foot on the desk.

Inmate ACKERMAN goes on to say that is when inmate MILLER fell the first time and that she landed on her head. Inmate ACKERMAN then stated that inmate MILLER tried to immediate get back up by pulling herself up by grabbing onto the stool near the desk. Inmate ACKERMAN then stated that is when inmate MILLER fell a second time falling toward the desk this time and then back onto MILLER's back. Inmate ACKERMAN went on to say that MILLER stated that her left side hurt and that she told medical staff that it hurt. Inmate ACKERMAN then stated that Deputy Lloyd heard the fall (thump) as well and that when he opened the door and called for medical. Inmate ACKERMAN said she did not see MILLER while she was getting seen but did see her get escorted across the top tier and then "scooch" on the stairs until she got into the wheelchair and left the section. When asked about drug use, inmate ACKERMAN stated that she didn't see inmate MILLER using any drugs however inmate MILLER told her she was coming off of meth and heroin.

Interview of Inmate Sonya Langston: Inmate Sonya LANGSTON was in cell K-13 at the time of the incident which is the cell to the right of where inmate MILLER was housed. Inmate LANGSTON stated that she was getting ready for head count and heard a loud bang to the point where it scared her. Inmate LANGSTON was

asked by housing staff to clean up the coffee mess that was a result of inmate MILLER falling.

Inmate LANGSTON stated she heard inmate ACKERMAN banging on the door getting Deputy Lloyd's attention. Inmate LANGSTON said she saw that inmate MILLER was pale and saying that she was hurting. I asked inmate LANGSTON if there was any blood clean up in the cell and she stated, "no".

Inmate LANGSTON also reported that she heard inmate MILLER state that she couldn't walk and that the staff was telling her to "scooch" down the stairs. Inmate LANGSTON continued again about how pale inmate MILLER looked and that her eyes were dark and she looked gray.

Interview of Inmate Jessica Montoya: Inmate Jessica MONTOYA was in cell K-11 at the time of the incident which is the cell to the left of where inmate MILLER was housed. Inmate MONTOYA claimed she heard something loud hit the floor and heard inmate ACKERMAN tell the staff that MILLER had fallen. Inmate MONTOYA also stated that she saw inmate MILLER scoot all the way down the stairs and into a wheelchair. When asked about MILLER using drugs inmate MONTOYA stated that her cellmate stated that she was coming off of heroin.

Interview of Inmate Kimberly Slater: Inmate Kimberly SLATER was in cell K-10 at the time of the incident which is two cells to the left of where inmate MILLER was housed. Inmate SLATER stated that she heard a loud thump during head count and saw a girl (Inmate LANGSTON) grab a mop.

Interview of Inmate Kenndra Follett: Inmate Kenndra FOLLETT was in cell L-8 at the time of inmate MILLER being moved to a bottom bunk at medical staff's request. Inmate FOLLETT was out in the day room for her time out while inmate MILLER was in her cell. Inmate FOLLETT said she heard a big bang and then a scream then said just a scream. Inmate FOLLETT goes on to say that during her time out she went over to inmate MILLER's cell and seen her lying face down on the floor.

Inmate FOLLETT stated that she tried to get inmate MILLER to talk however inmate MILLER did not respond or move while FOLLETT was standing at her cell window.

Interview of Inmate Genna Castillo: Inmate Genna CASTILLO was in cell L-12 at the time of inmate MILLER being moved to a bottom bunk at medical staff's request. Inmate CASTILLO stated that she was out on her time out and saw the same thing inmate FOLLETT explained, inmate MILLER on the floor of the cell clutching onto her property bag lying face down. After they had locked down inmate CASTILLO said she heard a big slam and a big scream.

Interview of Inmate Dana McCubbin-Salazar: Inmate Dana MCCUBBIN was housed in L-14 at the time of Inmate MILLER being moved to a bottom bunk at medical staff's request. Inmate MCCUBBIN stated that during her time out she saw inmate MILLER lying on the floor curled up into a ball. She stated that after they locked down that she heard a sound like she hit the table and a scream like she was hurt.

Inmate MCCUBBIN also stated that she heard a deputy say that inmate MILLER was bleeding a little bit and asked if she was okay. When they brought inmate MILLER out inmate MCCUBBIN said that MILLER was not moving but she was still breathing. MCCUBBIN also stated that MILLER's lips were black and her skin was white and that she was slumped in the wheelchair.

Interview of Inmate Adelina Chante Tejero: Inmate TEJERO was inmate MCCUBBIN's cellmate at the time inmate MILLER was being moved into the section from the

Kilo Unit. TEJERO stated she heard a thump and a scream. TEJERO stated that when MILLER was brought out of L-7 she had dark circles under her eyes, purple lips and white skin.

Interview of Inmate Cassie Webb: Inmate WEBB was in cell L-14 at the time of inmate MILLER being moved to a bottom bunk at medical staff's request. Inmate WEBB stated that she also heard a loud thud and a scream. She explains MILLER's complexion as a green pale color with sunken eyes.

The interviews had ended and Sgt. Lemberes and I were escorted out of the facility by Detective Lopez at approximately 1306 hours. We then returned to the sheriff's office.

Detective Garn Sever  
Weber County Sheriff's Office

**Supplement - Lemberes,J WC**

Details of Supplemental Narrative:-Release of personal belongings to Family friend. per county attorney Rawlings and the request of Stella.

Date, 2/2/2017

Time, 0645

Reporting Officer: Sgt. Lemberes

The Mother of the deceased requested that her belongings that we had found at the hospital be returned to them. I contacted County attorney In Davis County, Troy Rawlings on 1/26/2017 who said to "release everything". The belongings which consisted of some clothing and two phones were picked up by a family friend to be mailed to Reno which is where Stella resides.

**Name Involvements:**

WITNESS : 348089

Last: ACKERMAN  
 DOB:  
 Race: W      Sex: F

First: SHERRY  
 Dr Lic:  
 Home: () -  
 Work: () -

Mid: LEE  
 Address:  
 City: DRAPER, UT 84020  
 Cell:

WITNESS : 254323

Last: CASTILLO  
 DOB:  
 Race: W      Sex: F

First: GENNA  
 Dr Lic:  
 Home: () -  
 Work: () -

Mid: MARIE  
 Address:  
 City: LAYTON, UT 84041  
 Cell:

WITNESS : 348095

Last: TEJERO  
 DOB:  
 Race: W      Sex: F

First: ADELINA  
 Dr Lic:  
 Home: () -  
 Work: () -

Mid: CHANTE  
 Address:  
 City: WEST POINT, UT 84015  
 Cell:

WITNESS : 81012

Last: MCCUBBIN  
 DOB:  
 Race: W      Sex: F

First: DANA  
 Dr Lic:  
 Home: () -  
 Work: () -

Mid: LYNN  
 Address:  
 City: LOGAN, UT 84321  
 Cell:

WITNESS : 348091

Last: SLATER  
 DOB:  
 Race: W      Sex: F

First: KIMBERLY  
 Dr Lic:  
 Home: .  
 Work: () -

Mid: ANN  
 Address:  
 City: WEST BOUNTIFUL, UT 84087  
 Cell:

WITNESS : 248818

Last: LANGSTON  
 DOB:  
 Race: W      Sex: F

First: SONYA  
 Dr Lic:  
 Home:  
 Work: () -

Mid: ELSIE  
 Address:  
 City: Advance, MO 63730  
 Cell:

SUBJECT : 348088

Last: MILLER  
 DOB:  
 Race: W      Sex: F

First: HEATHER  
 Dr Lic:  
 Home:  
 Work: () -

Mid: ASHTON  
 Address:  
 City: KEARNS, UT 84114  
 Cell:

WITNESS : 348090

Last: MONTOYA  
 DOB:

First: JESSICA  
 Dr Lic:

Mid: ANN  
 Address:

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Race: W      Sex: F      Home:      City: SANDY, UT 84070  
Work: () -      Cell:

WITNESS : 348099

Last: WEBB      First: CASSIE      Mid: MARIE

DOB:      Dr Lic:      Address:

Race: W      Sex: F      Home:      City: BOUNTIFUL, UT 84010  
Work: () -      Cell: